

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

WALLACE ROGERS,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	
	:	CIVIL ACTION NO. 5:12-CV-318 (MTT)
Warden GLEN JOHNSON,	:	
	:	
Defendant.	:	<b>PROCEEDINGS UNDER 42 U.S.C. §1983</b>
	:	<b>BEFORE THE U. S. MAGISTRATE JUDGE</b>

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**ORDER**

Plaintiff **WALLACE ROGERS** has filed a Motion for Reconsideration, which the Court construes as a Motion to Alter and Amend a Judgment under Fed. R. Civ. P. 59(e). (Doc. 13).

On December 5, 2012, the Court vacated its September 13, 2012 Order and allowed Plaintiff to proceed without paying an initial partial filing fee in the amount of \$10.70. (Docs. 5, 9). In this same Order, the Court explained to Plaintiff that it needed additional information before it could conduct the frivolity review required by 42 U.S.C. § 1915A. Plaintiff was ordered to answer six questions and informed that failure to do so would result in the dismissal of his 42 U.S.C. § 1983 action. (Doc. 9). The Court did not receive a response from Plaintiff. Therefore, on January 15, 2013, the Court dismissed his action without prejudice. (Doc. 11).

Plaintiff, in his Motion for Reconsideration, explains that he never received the Court's December 5, 2012 Order. (Doc. 13). He has attached a legal mail log from Coffee Correctional Facility that verifies the prison received no legal mail from the United

States District Court during the month of December 2012. (Doc. 13-1).

Plaintiff has adequately explained his failure to comply with the Court's December 5, 2012 Order. Therefore, the Court **VACATES** the January 15, 2013 Order (Doc. 11) and will give Plaintiff an opportunity to supplement his complaint. Plaintiff shall have **TWENTY-ONE DAYS** from the date shown on this Order to answer the questions set forth in the December 5, 2012 Order (copy attached). Plaintiff is again advised that failure to respond will result in the dismissal of his complaint.

The Clerk of Court is directed to forward a copy of the December 5, 2012 Order (Doc. 9) to Plaintiff along with a copy of this Order.

**SO ORDERED and DIRECTED**, this 11th day of February, 2013.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

Inb